

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**January 10, 2005**

**7:00 p.m.**

The Mayor, Council and all in attendance recited the Pledge of Allegiance.

There was a moment of silence for the victims of the Tsunami.

President Albier: "Call the roll please Clerk."

Clerk Fisk: "Greg Frey."  
"Tom Coyne."  
"John Frey."  
"Rich Albier."  
"Kathy Pucci."  
"Rita Brown."  
"Colleen Gallagher."

Councilman G. Frey: "Here."  
Councilman Coyne: "Here."  
Councilman J. Frey: "Here."  
Councilman Albier: "Here."  
Councilwoman Pucci: "Here."  
Councilwoman Brown: "Here."  
Councilwoman Gallagher: "Here."

President Albier: "Before I get on with the agenda, I'd like to say a few words. I want to answer the question that everybody has in their mind, and that's what the heck is that guy doing sitting up there. As you probably know, according to our city Charter, the first meeting of every year we have an Organizational meeting, and we had one tonight. And at that meeting we vote to pick our Council President, our Council President, and then we assign the different committee members. Well, John Frey is not only my colleague, he's my friend, and I probably wouldn't be up here if it wasn't for John in the first place. And I told him when I first got on here almost seven years ago that as long as he wanted to be the Council President he could count on my vote. And it was my honor to second his motion tonight. Unfortunately he didn't get enough votes, and my name was put into nomination, and I received a unanimous vote, and I appreciate that. And I'd like to thank all my colleagues for showing their support for me. And I promise to give 110%. But John Frey is a great guy, and at the end of this meeting I want to give him back his gavel so he can add it to his trophy case."

Councilman J. Frey: "Thank you."

President Albier: "Okay John. So I'll have more to say when we talk from our reports. Tonight we're going to have the reading of the agenda, the approval of the minutes, the public session, reports from Council, the Mayor's report, Directors' reports, monthly reports, then we'll have the audience speaking on legislation on the agenda, and tonight there's only one ordinance on the agenda, and then other matters that may come before Council. Okay, I need a motion for approval of minutes from December 27<sup>th</sup>."

Councilman J. Frey: "Move we approve."

Councilman Coyne: "Second."

Clerk Fisk: "To approve the minutes from December 27<sup>th</sup>, Greg Frey."

"Tom Coyne."  
"John Frey."  
"Rich Albier."  
"Kathy Pucci."  
"Rita Brown."  
"Colleen Gallagher."

Councilman G. Frey: "Yea."  
Councilman Coyne: "Yea."  
Councilman J. Frey: "Yea."  
Councilman Albier: "Yea."  
Councilwoman Pucci: "Yea."  
Councilwoman Brown: "Yea."  
Councilwoman Gallagher: "Yea."

President Albier: "Next we're going to have the public session, and I'd like to say a couple words before you do this. This year also I'll try to limit it to three minutes. If there's a lot of people that want to speak then I'll just cut you off at the three minutes, but you can come back after everybody has spoken and speak for another three minutes. And it's like it always is, you can only speak on topics that pertain to the City of Brooklyn. So I mean, you can't get up here and talk about the nuclear program in No. Korea or something, it has to be something that pertains to Brooklyn. And if somebody comes up to the microphone and starts to attack an individual Councilman or the Mayor, then I'll rule you out of order. If you want to come up and criticize the Council as a whole or the administration, that's fine, but I'm not going to put up with attacks on

individual Councilmen or the Mayor. And you'll be ruled out of order. So just so we all understand that. So does anybody wish to address the Council? Just state your name and address."

**Shirley Palumbo:** "Shirley Palumbo, 10218 Micka Drive, Brooklyn. I'm here tonight to ask for support from Brooklyn Mayor Patton and all of Council. Even if I did not have a mission to use the old library, as a citizen and lifelong resident I feel this land and building are worth too much to us as a community to just sell it for 4-\$500,000. That money will disappear quickly and we will have nothing to show for it. This land and building should always be city property. The Brooklyn animal shelter creation committee wants a safe, clean, comfortable place for stray animals to be sheltered while they await their owners or new homes. Working together, the people of Brooklyn can create just such a shelter. The old library and land are a wonderful location, and with renovations, the perfect setting for an animal shelter. There is also a room that could be used to provide another meeting room for the community in this building. With the help of Council and the administration and animal lovers everywhere, we can make this happen. We are holding an organizational meeting on Tuesday, January 18<sup>th</sup> at 6:30 p.m. in Brooklyn Mayor's Court located to the left of the rear entrance to City Hall, 7619 Memphis Avenue. Those interested in being part of this effort should attend this important meeting. We will be taking profiles for volunteers to serve as trustees and officers at this meeting, and also putting together committees. Everyone is invited. Pictures from inside the old library building and lists of supplies needed and volunteers meeting can be found on our web page, [www.brooklynshelter.org](http://www.brooklynshelter.org). To sign up as a volunteer or ask a question, please e-mail us at [info@brooklynshelter.org](mailto:info@brooklynshelter.org) or call me at 216-749-4893 before 8 p.m. Monday thru Friday. The next meeting will be held at the Brooklyn Public Library January 27<sup>th</sup> at 6:00 p.m. in the meeting room. Okay, that was the speech I was going to make. I wanted to run by the part about the community room with the library manager, and he told me the director of the Cuyahoga County Library System was the one to talk to. I had a conversation this afternoon with Director Mike Morley. He told me that the Library Board wanted to have the old library back to be used as a repository for children's books that would be distributed to hospitals. They had an environmental study done by a certified industrial hygienist whose preliminary report found that the building was contaminated with mold, mildew and other remedial issues. This could cause someone with health issues such as breathing problems or diminished immunity to have symptoms. This is because the building was improperly closed without having the water turned off, causing the pipes to burst and the ceiling and walls to flood. The report further indicated that anything presently in the building must come out, including all those city records, which are contaminated and cannot be put back into that building or any other building, or that building will become contaminated too. I quote Mr. Morely, 'Any person employed by the library, and they worked for me, I wouldn't let them work in that building.' A copy of this study was sent to the City of Brooklyn four to six months ago, with the offer that if the city gave the building to the library they would spend the money to fix the problem and get the building re-tested and cleared for occupancy. The Library Board never heard back from the city. I have a couple of questions. Why was Council unaware of this study? We have been meeting for months about turning this building into an animal shelter. In view of the fact that this building is not likely to be sold, I would ask that the city clean it up and provide it to be used as a shelter and community meeting facility to make up for taking such terrible care of a city asset. I want us to work together, but I want everybody to have their cards on the table. This was a nasty surprise that I could have done without."

President Balbier: "Thank you. Anyone else? Mr. Adamski."

**Tom Adamski:** "Tom Adamski, 9625 Melody Lane. My question is directed to Chief Murphy, it has to do with the traffic light going east 480 from Ridge Road. My question is, coming north from Brookpark to that turning light, even though the arrows that were erroneously pointed in the second lane that directs the traffic also to go right, that has been removed; however, the traffic light still has the green arrow, so when the light turns red you still have the second, in the second lane the green arrow that has traffic go there. Now my question is, if there would be an accident over there, what's the liability? Is the liability on the Cleveland side or the Brooklyn side, because of that turning arrow?"

Chief Murphy: "I don't know what you're talking about Tom, I'd have to look at it."

Mr. Adamski: "Alright. Again, here's the traffic light going to 480, right, but coming from Brookpark, alright, if you were to go to 480 east over there, when the light is red, alright, the second lane had the arrows going straight and also allowing the traffic to turn right on the red light. Those arrows were removed, only

allowing the traffic in the second lane to go north. However, the traffic light still has a green arrow to allow traffic to go there."

Chief Murphy: "Alright, I'll have to look at that again."

Mr. Adamski: "Thanks."

Chief Murphy: "I know where you're talking about, alright. Okay."

President Balbier: "Anyone else? Joe."

**Joe Salem:** "Good evening, Joe Salem, 4587 Forest Edge Drive. Forgive me, I usually have something prepared, but I didn't plan on speaking. But my comments are directed towards the old library building. I'm looking at the situation from a pure numbers and a business standpoint. Right now we have an asset that is giving us zero return, or possibly even a negative return. And in a year where we are talking about a serious budget crunch and cuts, we have an opportunity to bring in a minimum, if you set at auction the minimum price of 500,000, \$500,000. The other options that are offered are fixing it up for the animal shelter, and I have nothing against animal shelter, if we need one let's go ahead and have one. But that building is not the right place, I don't think. And if it is contaminated, and the city is then going to have to spend the money to fix it up, I mean, we're already in a negative situation, we're going to spend another several hundred thousand dollars to get it up to code to then convert it. As a business person myself it just confuses me how Council cannot look at the numbers and ignore the numbers, and when you have an opportunity... At the last Council meeting the Mayor even made a suggestion that if we sold this, if we got only \$500,000 you could put up a nice building for the animal shelter and only spend maybe 150-200 of those funds, and with the remaining three to 350 to 400,000 how many streets can we repair with that? How much more can we do in this time of a serious budget crunch? I'm asking Council to use some fiscal judgment, some responsibility, for the city and its residents when you make your decision on this. And if there's anything else that I missed during, I wasn't here for your discussion earlier this evening, so if there's anything that I missed, please inform us all why you would not want to bring in some extra funds. You sell that property you're now getting property tax as well as income tax from the business use of that. You're turning a negative asset into a positive. So I'd like to see if you could explain the thought process in that. Thank you."

President Balbier: "Thank you Joe. You want to speak again Mrs... There's someone in the back first. Joe, I will..."

From audience: "Yeah, I want to speak on the agenda or should you want me to speak now?"

President Balbier: "No, on the agenda you'll have another opportunity to speak."

From audience: "I'll speak then."

**Judy Basniak:** "Judy Basniak, 6908 Northcliff. I think the city's sold off too much of their property. Being a resident near Ridge Park Square, I can attest to that. I don't think you should sell the city property. Thank you."

President Balbier: "Anyone else? Mrs. Palumbo, you have three minutes."

**Mrs. Palumbo:** "I just want to say that it was the city's fault that this happened to the old library, and I think the city owes it to its citizens to make good on city property and take care of it in the manner of which it was supposed to be taken care of. And as far as potholes, we have potholes every year. What are we going to have to spend on potholes next year? Are we going to sell off something else? I think you ought to look at this long-term. This is a property that's been belonging to the city for 50 years, and I think it should be there for our children when we're gone. I just think that there is too much selling property, knocking down trees, putting parking lots over green space, and it's got to stop. We've got to be responsible. Thank you."

President Balbier: "Anyone else? Okay, we'll go to our Council reports, and the first report is from Greg Frey."

**Councilman Greg Frey:** "Thank you Rich, and congratulations."

President Albier: "Thank you."

Councilman G. Frey: "I do want it noted on the record that during the reorganization meeting I nominated John Frey for President, Rich seconded it, the vote was three to three. Actually Mrs. Brown abstained on it, Mr. Coyne, Mrs. Pucci and Mrs. Gallagher voted against it. Rich and John Frey and myself voted for it. I think Mrs. Pucci was nominated by Mrs. Brown, and Mr. Coyne seconded it, and that vote also failed four to three with Mr..."

Councilman Coyne: "Three to three."

Councilman G. Frey: "No, she didn't miss that. That failed four to three. And then Rich was nominated and that vote passed six and one abstention, Mrs. Brown abstained again. Just to clarify on the record. Mrs. Palumbo, I want to talk about this library thing. I know how devoted you are to animals, and I very much appreciate your sincerity and what you tried to do, okay. And I'm fully going to try and support us having our animal warden, us finding a place for our animals, even if that encompasses the spending of some city funds. But I really don't think the old library is the place. Okay, it's just... We're talking about a large expense. We aren't going to raise a quarter of a million to \$500,000 locally to do an animal shelter. So we're talking about a major commitment of city funds to do that. Well, you say no, but you're now telling us that it's contaminated with mold, you've got to replace the heating, you've got to replace the air conditioning. I think you have to replace the roof, Mr. Kappler says. You have to probably replace the wiring. The windows have to be replaced. And then you've got to start on the internals, okay. Meaning, if you're going to use it as an animal shelter you've got to have drainage and whatever, okay. I think it's a major expense and it's an ongoing expense. Now I know you sincerely believe that that is the place for our animals, and maybe at a different time I'd feel differently about it. It's not a matter of selling off city assets because we have a cash crunch. I don't think that's the reason... I would never sell city assets because we have a cash crunch. I have supported making green areas in this city for a long time, and I will continue to do so. I think we have an opportunity there to get a different usage out of that that maybe would benefit some of our citizens, and at the same time bring a useful business with jobs into the city. But that's neither here nor there, Council will take that up. I will continue to try and make sure that we get our animal situation in better position than it is now. And I'm sorry I disagree with you on the library, but that's the way I feel. Mr. Kappler, first I want to chastise you."

Director Kappler: "Okay."

Councilman G. Frey: "I came down Memphis Avenue the other day to Ridge, and there on the southeast corner of Memphis and Ridge was Don Puening and Mike McCormack, and they were digging out the handicapped access so that people could get across Memphis Avenue. I commend you for that. However, the equipment that Mr. Puening was using was a totally broken apart snow shovel. And I mean it was the blade, the shovel was split in two lengthwise and he was trying to dig that out. So I would ask you, if we haven't gotten in the budget to buy a couple of snow shovels, pass the hat at a Council meeting, I certainly will buy a snow shovel. Okay? But I commend you for cleaning that stuff out. The guys have done... We have gals on our road crew. They have done a wonderful job over the last couple of weeks on our snow removal. I just think it's commendable. Has anybody invited Mr. Klaiber to take a ride down Ridge Road in the last couple of weeks?"

Mayor Patton: "Actually we met with him today. Bob, do you want to explain?"

Director Kappler: "Yes. Doug Courtney, myself and Bob Klaiber and another engineer from the county had a meeting here today. It started last week, I think it was last week, early last week, and I had Doug Courtney out and we took pictures of around by Zelly's, and I took a tour of Ridge Road and counted approximately 20 chuckholes. Near Zelly's automobile repair shop was the worst. In the meeting today we are looking to put Ridge Road on a long term repair, it's because of the base is bad. But that's going to be looking at probably 10 years. In the meantime, we're looking at possibly doing something for interim, within the next three to five years. The county is hesitant on expending a lot of money on Ridge Road because it does need total reconstruction. And I'm sure everyone's thinking, well why didn't they do it the first time. Well, I can't answer that. They took core samples within the last year or so, and they decided that there was mistakes

made in phase one of Ridge Road, and basically needs total reconstruction from near 480 to Memphis Avenue. There is 35% of the core samples taken were bad. I'm sure Mr. Coyne understands when we're talking about engineering problems. When you come up with 35% of the cores being bad, you need to look at total reconstruction. So I don't have any answers today. We do have the county involved, we are looking. In the meantime we're going to be patching those chuckholes."

Councilman G. Frey: "Well the county has already committed a great deal of money, as well as everybody else, to that project."

Director Kappler: "Yes..."

Councilman G. Frey: "And I just... You know, this Council has expressed time and time again our dissatisfaction with that from the beginning. I'm sure Mr. Klaiber's tired of hearing it, I'm sure you're tired of hearing it, but that was a real poor job."

Director Kappler: "He is well aware of it being a poor job. He's not claiming he's not responsible. I mean, it was just not done right from the very beginning."

Councilman G. Frey: "Okay, thank you."

Director Kappler: "You're welcome."

Councilman G. Frey: "Mayor, Barb Stepic just completed 25 years as president of the Historical Society. And I think that the Council or the Mayor or all of us ought to recognize that. She has done a marvelous job of trying to record our history, preserve our history, and enhance our history. And I think that should be acknowledged at the community level."

Mayor Patton: "We'll have a proclamation next meeting."

Councilman G. Frey: "And Chief Murphy, I've got one for you. I received a letter from a resident who lives on Rodoan regarding trains. And he writes, 'Have you ever seen a train which derailed personally? The wheels travel quite a distance, the boxcars or tank cars usually just all over, they don't travel as far. If they contain hazardous material it might create a dangerous problem. There is a street in Brooklyn, the speed limit is 25 miles an hour.' He's referring to Idlewood. 'Just behind the houses are railroad tracks. Trains travel at high speeds, sometimes up to 60 miles an hour. If one would derail the wheels would probably travel down to I-480.' God, I would hope not. 'Don't you agree if the speed for vehicles is 25 miles an hour the speed for trains should be the same 25 miles per hour? The noise factor also would be less. You have a noise ordinance. Apparently it excludes trains. I watch Council meetings and I'm the person who talks about traffic control loops and signal lights. Most people don't know they exist. I was a maintenance electrician at Ford Motor. We use these loops to open doors and close doors during the winter months. Sincerely for a better Brooklyn.' The gentleman raises some interesting questions. But I think if you could, if you know, the railroad tracks are not within our jurisdiction to set their speed limits. I think that's done by federal law, Surface Transportation Board? Are they the ones that do that? And I think at the time when they replaced the tracks a couple of years ago they were allowed to increase their speed. And I thought it was 50 miles an hour, somebody said 35 the other day. Do you know what the speed limit is on those tracks?"

Chief Murphy: "No I do not. But I agree with him, 25's good."

Councilman G. Frey: "Can we pass an ordinance? I'll introduce it. Can we do a couple things? Number one, would you look into it and maybe give us a report at the next meeting as to what the speed limits are and what the conditions are for those tracks? And number two, maybe we ought to monitor the speed on those trains once in awhile. I do believe we can have an officer check the speed limit on those, and if they're getting out of hand then maybe we need to let the train people know that they can't do that."

Chief Murphy: "Okay."

Councilman G. Frey: "Okay? And I have one more. Mr. Kappler, I called your office about this. It's a gentleman on Rodoan, and he says, 'About 20 years ago a contractor broke the concrete on Rodoan Road



south of Biddulph straight down the center of Roadoan. Nothing else was ever done, it was left broken. About five years ago our street was patched, supposedly. Drive down it today...' I did drive down it today. 'Only good thing is it's too rough to drive over the speed limit. I'm just curious, all these years why was it not fixed?' Is this something we could look at that is part, maybe our concrete crew, if we're doing some patch, maybe do some work on the center of that, as we have on the center of Idlewood?"

Director Kappler: "We can take a look at that for next year."

Councilman G. Frey: "Take a look at it, would you please do that."

Director Kappler: "Yeah."

Councilman G. Frey: "And other than that, happy new year everybody. Good to see you all back. And I think that's all I have. Thank you."

President Balbier: "Thank you Mr. Frey. Mr. Coyne."

**Councilman Tom Coyne:** "Thank you. Good evening and happy new year to all the residents. A couple things. Mrs. Stepic. I've known her for many, many years. She's a dedicated resident, has done basically all of it for the Historical Society, as far as different jobs up at the Historical Society, and I think she should get a well deserved proclamation from the city. As far as the old library, I am not in favor of selling that property. I brought this up in 2003 about the deplorable condition, the broken windows, the wild animals, the trash, literally tons of trash in there, and I have pictures of it all. The Mayor kind of sideswiped it, or sidestepped it. Unfortunately it was left for, ever since Mayor Patton's been Mayor, in deteriorating condition, although they have moved some, and I think all the records now are removed. It's a problem that was left to be a problem. And the broken windows and the broken glass should have been addressed a long time ago. They weren't, that only increased the problem. Another part of the, Mr. Salem's comments, were that the city is going broke. Part of that problem goes back to the start of the administration when the payroll was dramatically increased. And maybe not broken, or the city's going broke is not the correct choice of words, but the deteriorating finances of the city. Anyway, part of the Master Plan was that... That's a survey that's being done, and it's something that most of us in Council have been in most of the meetings, but part of the problems that they're raising is the fact that we don't have good quality buildings and landscaping around our buildings, the city buildings at, and some of the other buildings that are privately owned. That was one of the comments. The other thing is, we need to keep upgrading our buildings to keep them in good shape. And the library was a classic issue of letting things fall apart. That's all the comment on that for now, but I am against selling it. I talked about the Master Plan Advisory Committee. The next meeting is Thursday, January 20<sup>th</sup> at 7 p.m. in the Senior Center. And another thing that I've worked very hard on over the years is the American Cancer Society Relay for Life, and there's some flyers out, I put some out on the entrance to City Hall there. There's a kick-off rally being held, and the American Cancer Society invites you to join them in a kick-off for the 2005 Relay season. Learn more about what it means to be part of the Relay for Life. It's Thursday, January 25<sup>th</sup> at Ridge Manor Party Center. That's on Ridge Road from 7-8. And for more information call Maria at 216-241-1177. And all are invited. Please RSVP to Maria before the 24<sup>th</sup>. And then on Sunday, February 13<sup>th</sup> from 5-7 p.m. the Icehouse Tavern at Brookpark and Tiedeman will team up with the Relay for Life of Brooklyn to sponsor a fundraiser at \$15 a person. All are invited. Again, call Maria, that's 216-741-1177, or Linda at 216-635-3353 for tickets. And that should be a good time for all. Congratulations to Rich Balbier, our newly elected Council President, and to all the Councilmembers on their respective appointments to the committees. Thank you Chief Duchoslav for your responses to the residents' questions. And Mayor, I've received a number of calls on the city's streets, deterioration, which Greg Frey alluded to. One of the questions I had, in addition to the numerous spots on Ridge Road. A little background on the Ridge Road problem. When this was going on I brought it up. Nobody seemed to want to do anything about it. The city had a fiscal responsibility, since it was city money involved in that, to oversee that. And unfortunately, nobody paid attention to it. So the city does have a responsibility to the residents to make sure it gets done and gets done right. But the other question, one of the other questions I had, at 480, Mayor, at 480 westbound entrance there are two asphalt tracks that have been there for a few years. Our city workers were patching them again last week, and they patched them a month or so ago, and I don't know how many times over the last few years. Do you have a record of how many times that's been patched or re-patched?"

Mayor Patton: "It's 480 and what?"

Councilman Coyne: "The westbound entrance to 480..."

Mayor Patton: "Which street, Ridge or Tiedeman?"

Councilman Coyne: "Ridge, Ridge."

Mayor Patton: "Alright."

Councilman Coyne: "There's two like tracks there, that a grinder ground up, but they've got to be deeper than that, because they keep getting potholes on them. And really, whoever's responsible for them should repair them right the first time, but they didn't."

Mayor Patton: "Usually on the ramps it's the State of Ohio, ODOT is responsible. We'll check into it though."

Councilman Coyne: "Okay, this is Ridge Road. We're doing the repairs on it. This is Ridge Road."

Mayor Patton: "It's on Ridge or on westbound ramp?"

Councilman Coyne: "It's on Ridge Road, heading southbound. As you come up to the sign that shows the two arrows for the two lanes going eastbound onto 480, the islands there. Right there. And like I said, they've been patching that for I don't know how many times. I'd like to see the record on that. I hope we have records of how many times that's been patched, it would be interesting to see how many times we go back over and over and over and over again and don't do it, fix it right. And whoever did it wrong the first time should be responsible. If there was a utility crew or something in there that tore it up they should be responsible for repairing it. Behrwald and Williamston, the street that was repaved. 2003, is that correct? Williamston? I believe that's right. I've talked about that one numerous times. The drain into the catch basin, it's not draining, the grade's wrong. I was told on this Council floor that it would be addressed. It still hasn't been addressed, there's a big puddle of water there again today. And when will you advertise for bids for street repair, and what is the projected scope of work? Has there been anything done on that yet?"

Mayor Patton: "Mr. Kappler."

Director Kappler: "Are you talking about for 2005?"

Councilman Coyne: "Yes, this year."

Director Kappler: "No, nothing has been done yet. We have to get through the winter so we can assess the streets and the damage that occurred this winter."

Councilman Coyne: "We had a five year plan, do we have anything..."

Director Kappler: "Yes we absolutely do, but I can't go ahead and address in the five year plan until we get through the year to see if any street had suffered considerably this year..."

Councilman Coyne: "I understand what you're saying."

Director Kappler: "...this winter... Well then what are you asking? I can't go to bid until we..."

Councilman Coyne: "We have a base. A five year plan is a base. We say..."

Director Kappler: "That is absolutely correct."

Councilman Coyne: "...X streets this year, X streets this year, X streets this year."

Director Kappler: "It goes in dollar amounts."

Councilman Coyne: "Okay."

Director Kappler: "You know, we expend X amount of dollars per year."

Councilman Coyne: "Okay, but has anybody looked at it and said, well these streets were scheduled for this year, the weather's going to be up in the 60s this week, let's look at them and see what it looks like now, and we'll have an idea of where we're at. I mean, if there's chuckholes there that are three foot deep we know we've got to do something. That's all I have to say about that. Alright, next item, a contractor installed sewers on Biddulph Road from the street to the house, and this is I believe 10210 Biddulph, left the area a mess, particularly the sidewalk. The contractor left the sidewalk with an approximately three inch drop between the two meeting sidewalks. This poses a major concern for the resident. If somebody's walking down there and there's snow on it, they can't see it, they drop off, they're walking one way or the other, they can trip on it. It also poses a major concern for our bombardier drivers. If they hit it, somebody's going to get hurt. Since the weather's going to go up in the 60s this week, why can't we get somebody in there to patch the sidewalks with cold patch or something? That's ridiculous."

Mayor Patton: "Contact the contractor and have him take care of it."

Councilman Coyne: "I would think that should have been done long ago, but..."

Director Kappler: "That is a joint project there. That is homeowner's contractor and the county's involved. We will address the sidewalks. All you need to do is call me and let me know and I'll address it, instead of standing up and grandstanding on Council floor, Tom."

Councilman Coyne: "I'm not grandstanding..."

Director Kappler: "That's all you have to do is call my office and say there's a problem and we'll address it, just like I do for everyone else."

Councilman Coyne: "Mr. hold it... Mr. Ockington, did I not call previously on this?"

Director Kappler: "Have I talked to you about this issue on the sidewalk?"

Councilman Coyne: "You guys don't talk? You sit next to each other."

President Balbier: "Alright, that's enough, let's move on, Mr. Coyne."

Councilman Coyne: "That's all I have."

President Balbier: "Alright, thank you. Mr. John Frey."

**Councilman John Frey:** "Thank you Mr. Balbier. I too congratulate you on being President, and I know you'll do a good job. And I want to thank my colleagues. I think I was President for the last five years. The first four years were excellent, enjoyed it all. This last year has been a kick in the head. The Council has gone astray. A lot of dissension, and I hate to see that. I've been here a long time, as you know. I've been here for the good, I've been here for the bad, and hopefully I'm not going to be here for the ugly. And it appears that's what we're getting into. And I hope not. I want to thank everybody that's listening in the audience or TV for all the support I've had over the years, which has been great. And I want to thank those people that have taken the time to approach me and tell me how much they enjoyed watching the Council meetings, and that was a pleasure. I enjoyed it, as you know, and maybe some day I'll be President again. However, I consider the only problem is, I can't see Kappler."

Director Kappler: "Where are you? Oh."

Councilman J. Frey: "I did have one call, and the people were upset, that when a neighbor puts out a refrigerator or a stove or something of this nature, and that person that puts it out does not call the Service Department for a pickup, and then it sits there for a week or so. So I don't know what anybody could do



about that. When you put something out, if you call the Service Department and tell them you put it out, they will be there within the hour to pick it up. So I think that complaint is easily handled. And I want to thank the road crew, I've had many compliments on the way the snow has been removed, how fast the driveways have been plowed, and I don't get really harsh complaints, I get compliments all the time. And I think that you get a lot of the harsh complaints when you go out looking for them, and almost asking for them. Most people in this town are very happy, very pleased. And I am also pleased with the workings of the present administration. I support them completely. And I hope this Council can get over its animosity and start all pitching in the right direction. This is not something that is an I, me, I. Whatever you do here is for the benefit of all the residents, and not for the benefit of doing yourself some good. And I thank you. That's it. Go ahead."

**President Rich Balbier:** "Thank you Mr. Frey. I sat there for seven years and didn't even know Mr. Kappler was over there, I just heard his voice all the time. At our meeting I was elected President, Mrs. Gallagher was elected Council Pro-Tem. We approved having our Council rules again, and we're going to make some adjustments on them in the next few weeks. And the Finance Committee is Pucci, myself and Coyne. Public Works is John Frey, Greg Frey and Tom Coyne. And Safety Committee is Gallagher, Pucci and Brown. The Police and Fire Pension Fund is Brown and Greg Frey. Domestic Abuse is Mrs. Gallagher. And John Frey was going to stay on the Planning Commission, he's been there for a long time, and I know he does a great job, and I asked him if he would stay there, and he graciously accepted. And then the Rec Board, I asked for anybody that wanted to volunteer to be on the Rec Board, and I had no takers, so by process of elimination I'm on the Rec Board. Fair Housing is Pucci and Brown. And we have a new position, the Legislative News and Update, and it's a Councilperson, it'll be Mrs. Gallagher, and her duty is to update the Council on any new laws, both locally, state and federally that might affect us. So she should probably report just like once a month with that. And I have a couple of things. Mr. Kappler, do we have any damage from the flooding or ice in our city parks or any property the city owns?"

Director Kappler: "It was assessed after the Christmas storm, it hasn't been assessed from this last one. But as it stands now, no, we're fine."

President Balbier: "Okay, thank you. We were also given a draft by Mr. Ockington and Mr. Shaper, and this is something that myself and almost all the Councilmen have been after over the last year. It's a property maintenance and rental property licensing. And what this is, it's an ordinance that has anybody that owns property for rent, from a single family house all the way up to the Westbrooks, they have to get a license from the city, so it's inspected, to see if it's up to date, if there has to be any corrections done to it. Then they're given their license. And they have to get the license every year. And it not only pertains to the apartments, it also goes to hotels also. So this will be good for the City of Brooklyn, 'cause every year it seems like we have more and more properties for rent, and this will make sure that they toe the line and we don't have that many absentee landlords that don't take care of their property, because they can't rent it if they don't have a license from the city. And the license is \$75 a year, and it's \$30 for an additional unit, but there's a maximum of up to \$3,000 for places that have over 100 units like the Westbrooks. We're also reviewing a draft ordinance on personnel policy manual. It's about at least two inches thick, I've read halfway through it; and I encourage the rest of my colleagues to read the whole thing before we vote on it. And this will cover all kinds of conduct, absentees, discipline, appeals, grievances, personal files, and ethics of public employment. And all these things help to make our city a better city. So and the employees will know where they stand with this book when it's all spelled out. There's also some cities like Shaker Hts. and So. Euclid that have passed ordinances where the city can bill people if the police continually go to their house, like on domestic complaints. If the police continually go back there, they bill the people. And I think maybe Brooklyn should look into this. And as far as NOPEC goes, as far as I've heard there's been no change. I didn't call them today, but I think they're just sitting on it, there hasn't been any change. And maybe this week you got in your mail a flyer from our State Representative Tim DeGeeter. In his newsletter he wants people to call him with advice. The state is trying to revamp the way we vote, because of the long voting lines we had last November. And some of the ways they're looking into is that you can vote up to two weeks in advance, and you can have people voting absentee without having a reason, that anybody could vote absentee. These are just things they're looking into. They're also looking into longer hours. So if you have any suggestions I suggest you contact our State Rep Tim DeGeeter. Also I was going to talk about pickups too, that Mr. Frey mentioned. I also noticed that people put bulk items out on their lawns, especially for the holiday weekend. The city picks up bulk items, but they only pick them up on Mondays, Wednesdays and Fridays. So if you have a chair you just replaced or something, you could put it out on your treelawn at 6:00 the night before,

and just call and the garage will come and pick it up. Like you said, sometimes it seems like it sits there for a week. And that's all I have. Mrs. Pucci."

***Councilwoman Kathy Pucci:*** "Thank you Mr. Balbier. Good evening everyone. I too would like to congratulate our new Council President, Mr. Balbier, and also our new President Pro-Tem, Mrs. Gallagher. I believe we will have a very productive 2005. I would also like to thank our outgoing President, Mr. John Frey, for his service to us as President. And I'd like to state for the record that I do believe strongly that the rotation of Council leadership is essential for the promotion of recognizing and developing the leadership skills of all the members of Council. We have many talented people up here. For many years the leadership positions did rotate. When the Charter changed giving control of the meeting to Council, and when we also had a new administration, we felt that we needed a stable figure to fill this role, and Mr. John Frey was that stable figure. And I thank you for your service. I do believe it's time to give others a ~~change~~ chance in positions of leadership. And also, Mr. Frey isn't going anywhere either. And also Mr. Frey, I can't see Mr. Kappler from my position either, so you're not alone."

Councilman J. Frey: "Okay."

Councilwoman Pucci: "As Mr. Balbier reported, this year I am on the Finance Committee, the Safety Committee, and the Fair Housing Committee. And I would like to thank my colleagues on both Finance and Safety for electing me chair of each committee. I'm looking forward to working with everyone this year. The Finance Committee did meet prior to the Council meeting, and we will continue with a standing meeting at 6:30 prior to each regularly scheduled Council meeting unless we post a different time. We do have occasions where we do meet earlier because we do have more business to discuss, which takes a longer amount of time. So unless it's posted, we will still be meeting at 6:30 prior to the start of the Council meetings. Regarding Mr. Salem's comments, the issue of selling an asset of the city, to me is a separate issue from an animal shelter. We don't have that many buildings as a city, we are a small community. And that is an ideal location for any public purpose, because there aren't many homes in that area, and there aren't any homes that are immediately adjacent to the property. And I'm also not thinking of just the current year, but I'm also thinking of the future. I'm troubled by the information that Mrs. Palumbo brought to light regarding a study done on the old library. I'm troubled that that wasn't shared with Council, especially in light of us being asked to consider conditional similar use, and also in light of the potential use of that property for an animal shelter. Do we have a copy of that Mayor, that study?"

Mayor Patton: "I will have to check. Tom, do you have a copy of that in Building?"

Comm. Ockington: "I have seen the report. There's, no one works there now, and I'm sure that there is many government entities that would be happy to take the building off our hands for free. At that time Dr. Bshara was interested in the property, and, well I knew that Council would not be interested in giving the property away."

Councilwoman Pucci: "Right, I don't think there's any question about that."

Comm. Ockington: "I don't believe that the cost of remediating the building would be anywhere near the value of the building."

Councilwoman Pucci: "Okay. Could you make sure all of us get a copy of that report please?"

Comm. Ockington: "Yes."

Councilwoman Pucci: "Thank you very much. In reading over the minutes of our last meeting I feel that there were some areas in Mr. Zubelik's comments that needed clarification. First of all, I think it's unfortunate that this issue was brought up again, because I believe it was initially brought up back in August. Also, I think it's unfortunate that there was some misinformation. Mr. Zubelik stated that I said the Mayor misspent \$625, and I never said that. I was asked if I thought certain expenditures were political in nature, and I stated, yes, as anyone would, because they were. I also never stated that we were going to take the account away. I stated that if the account was to continue that I would push for guidelines. And this is nothing different than any other city does. The Auditor had informed me that part of the reason that certain expenditures that may be considered questionable were not wrong was because the auditors look at

legislative intent, how the ordinance is worded and what is the intent. Unfortunately our ordinance was extremely vague. This ordinance was passed before I was on Council. Incidentally, Mr. Zubelik also stated that the former Mayor had collected \$600 a month for many, many years and didn't have to turn in receipts. First of all, the amount was increased to \$600 I believe it was in 1997. So it was that amount from 1997 to '99. Prior to that it was \$300 a month. So the figure quoted of \$108,000 over 15 years is totally erroneous. The auditor never required receipts and a reimbursement form. That is under the control of the auditor, not anyone else. That's why in 2000, when Mayor Patton followed the same procedure, no one criticized that at all, even to this day. It was when the auditor came in in 2001 that they stated we would have to follow a new procedure, which we did. Procedures and standards are revised and updated all the time. You don't blame someone who followed current procedures for not having followed procedures that were implemented after the fact. Now I did insist that we needed to have guidelines, and I'll tell you why. Because when I looked at the reports I was surprised to see that the most common category of expenses was treating our employees to meals. In fact, it was treating some of the highest paid employees to meals. And I personally believe that's wrong. Now I can't say that it was illegal, because it wasn't, because of how vague the ordinance was. And that's why I wanted to push having guidelines. And I don't believe that the taxpayer dollar should be spent for that. In the meantime, we did eliminate the expense account, with the concurrence of the Mayor. Hopefully this will put to rest this issue once and for all. However, if people want to keep dredging it up, I did a complete analysis, and I can share it with anybody who wants it. I would like to thank Mary-Jo and Mrs. Thompson for putting the information on the website regarding the broadcast days and times when the Council meetings are on. I had received an e-mail and a call from a couple residents, and I know Mary-Jo gets calls all the time, so I suggested that we put it up on the website on the Council page. So I think that would be very helpful. Thank you Donna."

Mrs. Thompson: "Kathy, I just want to thank you, that when you have a suggestion you let me know, and I post it within 24 hours."

Councilwoman Pucci: "I know, it was posted right away, and I do appreciate that promptness. The other thing, regarding the policy manual, Mr. Shaper, I am in the process of getting through it. As Mr. Balbier stated, it's quite a lengthy document. I do think, because this is going to be such a major change from what we have now, that once everyone has had a chance to go through the whole thing, we should schedule a work session where we can discuss any issues, questions or comments that people have regarding it. And I trust that that's satisfactory with you."

Director Shaper: "Yes it is."

Councilwoman Pucci: "Okay, thank you. And I believe that completes my report. Thank you Mr. Balbier."

President Balbier: "Thank you Mrs. Pucci. Mrs. Brown."

**Councilwoman Rita Brown:** "Yes, thank you Mr. Balbier. Congratulations to Richard Balbier as our new Council President, and Colleen Gallagher as our President Pro-Tem. And my thanks to John Frey for his years of service to this Council. Mr. Frey hopes that we will all be in the same direction, that's impossible. We are seven different personalities, different ways of thinking. And no, we don't follow one particular drummer, we follow several different drummers. And I again thank John Frey for his thoughts and his efforts. Maybe people think I have gone to the dark side, well that's too bad. But I will always tell you the truth, and I will always tell you the way I feel. We have a lot of work ahead of us this year. And I believe that we are prepared to deal with whatever is ahead of us. And many things are ahead of us. The next item, Chief Duchoslav, nice to see you back. We haven't seen you for quite some time. I hope you'll consider coming to all of our meetings in the future."

Chief Duchoslav: "Thank you, I try to make them when I can."

Councilwoman Brown: "Well you've been gone quite awhile. It's been noted. Mr. Balbier, or Mayor, you know, you did some work with trains whistling, you know, and it stopped for awhile, but I noticed last night at 10:00 the trains were whistling again. What happened?"

Mayor Patton: "They've always been whistling. The law cannot go into effect until the grade crossing on Brookpark Road, which is half in the City of Cleveland and half in the City of Parma, is totally reconstructed."

We have, Mr. Shaper and myself will be attending a meeting with Congressman Kucinich this Friday. And these things take time. I don't believe that grade crossing can be initiated probably for one to two more years."

Councilwoman Brown: "Oh boy. Well maybe the wind was blowing the other way, that I hadn't been hearing it. But I heard it last night. Okay, thank you. Now the last problem, the library. Mildew, contamination, mold. What report? What report came to our city that Council was not made aware of this? And what was the Planning Commission thinking of talking with a doctor to put people in that building, when we can't even put animals in that building? When we can't even put contaminated paper back into that building? I am shocked. I mean, I am really shocked that a piece of our property has been so mishandled, and I am not blaming Mayor Patton, this goes back to the last administration. This goes back a long time. So you're off the hook Mayor Patton. Except this has been, as Mrs. Palumbo said, a very nasty surprise. Now that doctor had no intention of putting people in that building. I believe, and I think that it is my prerogative to tell you what I believe, it is strictly my opinion, he meant to tear down that building, put up another one, private enterprise. No, it's not for the good of the people of Brooklyn. We received that piece of property for \$1 from the School Board for a library for the public use. It is my opinion it would be ~~an ethical~~ unethical and immoral to turn that property over to somebody for a private enterprise. Now I did tell you I kind of favored the animal shelter there. But it would not behoove the city in our financial crunch to spend money to remodel that building. It would have to be done solely by donations, whatever the corporation would decide, whether they hold raffles, donations, however they would fund the safety of that building, not only for people that were going to work there, but for the animals. But people are going to be in that building working there. And so we're going to have to do a lot of thinking on that. But to sell this property to the doctor, my vote is no. Thank you."

President Albier: "Thank you Mrs. Brown. Mrs. Gallagher."

**Councilwoman Colleen Gallagher:** "Thank you Mr. Albier. Good evening ladies and gentlemen. My friend Walt Zubelik stopped over my house last week to discuss his presentation two weeks ago. Walt told me prior to the last Council meeting he had a friendly chat with a member of the city administration, and this is when Mr. Zubelik became uptight, as he would say. By speaking with Walter at my house, I couldn't stop thinking of the old saying, 'don't shoot the messenger.' Walt is a very good man who sees the best in everyone. And I want to thank my friend for stopping over to see me, because I believe he was enlightened with our discussion. I want to take a couple minutes to go over some of Walt's remarks from last Council meeting. I'm going to start by stating for the third time, at this time I have no intention of running for Mayor. And publicly, I want to state that Ken Patton, the person, is a great guy. In fact, they don't come much better. My husband and I have gone on vacations with Ken and Jackie Patton, and simply put, they're great people. My disagreements are not with Ken Patton the person, they are the administrator and chief financial officer of the City of Brooklyn Ken Patton. My Council colleagues and I have seen difficult times ahead for the next couple of years. The \$2. million carryover will be gone at the end of this year. Our financial director, Mr. Fisk, projects that Brooklyn will be 250,000-500,000 in the red this year if the budget was not cut. This situation has arisen from the bad economy and the increased costs of the salaries of the City of Brooklyn employees. Our city is somewhat unique in that almost 80% of our expenditures are salaries. To put this in perspective, the City of Westlake spends less than 40% of their budgets on salaries. The City of Brooklyn Council does not directly control salaries and how many people are hired. All the conflicts between Mayor Patton and I have been monetary issues. As I explain some of my votes you will see this. But first I must emphasize in the retrospect my opinions are stronger now that my votes were correct. The first issue is the vote on Mr. Collins as Safety Director. I have known Mr. Collins and his wife for many years. I used to work in the same office with Ann. I will readily admit there is no question that ~~Brett~~ Brent Collins is very qualified for the position of Safety Director. However, Mr. Collins had two full time jobs, which would have taken priority over the position of Safety Director. I feel that Mr. Collins would not have been able to allocate the time needed to perform this job, because I knew how much time his other jobs took. The second and biggest red flag is the conflict of interest in the hiring process. By Mr. Collins' own admission, this conflict existed. In good conscience I could not spend \$14,000 of taxpayers' money on the very qualified person who could not perform the job. The other controversial vote was to cut the overtime for the directors. Again, let me reiterate, there is no disputing the fact that the Federal Labor Standards stated that the salaried directors are not eligible for overtime. The only technicality is that they are paid hourly by the administration's choice to make bookkeeping easier. By ordinance there is no question that the directors are salaried personnel. By passing this legislation, I estimate that we have already saved the



city about \$10,000 in overtime. The only debatable adverse outcome of this legislation is that we do not see all the directors at the Council meetings. The last item I wish to cover is the nepotism article. I sympathize with Mayor Patton because I believe he was persuaded by past practice and bad advice. Newspapers write stories to sell papers, and they care little how the story affects those involved. I also sympathize with the person hired. However, I believe the job should not have been filled because of the financial position of the Rec Center. In the past 10 years the revenue from the sales of passes have been cut in half, but the number of personnel working has stayed about the same. Thus the Recreation Center is now losing over \$1 million a year. Although I do not expect our Recreation Center to make money, because very few of them do, we do need accountability for the services we provide. I hope that our city will be able to overcome these difficult financial times. I believe, however, we should be somewhat prepared in case our economy does not turn around, or we have more layoffs from one of our major taxpayers. I do not want us to be going through the same financial crisis that now faces the residents of Parma. And I would also like to congratulate Rich Balbier. Rich, I think you'll do a great job. And Kathy Pucci, congratulations on being chairman of the Finance, I know you know your finances well, so I'm pretty happy about that. And I'd like to thank my colleagues for their vote, Council Pro-Tem. And also, Mr. Salem, I thank you for your remarks, but I disagree with you. I have talked to many residents, and they have told me that they would wish that we hold onto the old library, and they don't want to see us sell our assets. And I guess my greatest concern is, why wasn't this study passed onto Council about the contamination that Shirley brought up. I think if we got this, if the city got this study four to six months ago it should have been passed on right away. So I have a problem with that. Also, Mayor, I want to pass onto you an excellent resume from an individual who would like to interview for the animal control officer. I think it's time that we hire somebody part time, and she has the recommendation from the APL, assistant county prosecutor and many others. So I'm going to pass on the resume to you and a copy to each Councilmember. And that's all I have."

President Balbier: "Thank you Mrs. Gallagher. This is going to be a very interesting year. Mayor's report."

**Mayor Ken Patton:** "Okay. Congratulations to President Richard Balbier and all other appointments. I'd like to thank John Frey for his five years of service and his leadership, dedication and integrity. It's been great working with him. Again, welcome everyone, it's a new year. We'll move on and try to be as progressive as we can. On Saturday, January 15<sup>th</sup> from 5-8 p.m. the St. Thomas More 8<sup>th</sup> grade is going to sponsor a chicken dinner at Utopia Hall. The cost is going to be \$8, and you can call the school for some tickets. The State of the City will be given at the Republican Club on January 17<sup>th</sup> at 7 p.m., that will be in the Senior Center; again on the 20<sup>th</sup> at the Chamber of Commerce meeting, that's 11:45 at Carrabba's; and then on the 21<sup>st</sup> at the Democratic Club, and that starts at 7:15. I want to thank the Service Department for a great job on the snow removal. Again, getting out quickly with the bombardiers, coming back and then touching up a few people who did call me and who were by water leaks and things of that nature. So we do have three or four active water leaks which Cleveland Water will get back to very shortly. I do want to remind everyone who does shovel their snow, it's against the law in the City of Brooklyn to push your snow into the street, so please refrain from doing that, it could cause accidents. A heartfelt congratulations to two of our finest from the Service Department. Mr. Tony Surgala and Mr. Nelson Lyttle both retired on December 31<sup>st</sup> after over 30 years of service. They did a wonderful job, and guys, we missed you in the last snow storm. The Brooklyn Youth Hockey Association will be hosting a Night at the Races fundraiser to help pay for their ice fees and other costs that arise during the hockey season. It will be held at the Ampol Club at 4737 Pearl Road in Cleveland on Saturday, January 29<sup>th</sup> and that's from 6:00 until midnight. They're also looking for sponsors. And for additional information please contact Tina Russell at 661-0765. We have an opening on the Fair Housing Review Board. Carl Farrell's term expired on the 31<sup>st</sup>, I would like to reappoint Mr. Carl Farrell, Sr. to a term to expire 12/31/07. I called him this afternoon and he did approve."

Councilwoman Brown: "Move to approve."

Councilwoman Gallagher: "Second."

Councilwoman Pucci: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To approve Mr. Carl Farrell, Greg Frey."  
"Tom Coyne."

Councilman G. Frey: "Yea."  
Councilman Coyne: "Yea."



"John Frey."  
"Rich Albier."  
"Kathy Pucci."  
"Rita Brown."  
"Colleen Gallagher."

Councilman J. Frey: "Yea."  
Councilman Albier: "Yea."  
Councilwoman Pucci: "Yea."  
Councilwoman Brown: "Yea."  
Councilwoman Gallagher: "Yea."

Mayor Patton: "Okay, every six years there's a Charter Review Commission consisting of nine electors from the City of Brooklyn holding no other office or appointment in the city, and they shall be appointed to the Commission. The membership of the Charter Review Commission will be comprised of two members appointed by the Mayor, and one member each appointed by Councilmembers. Such a Commission shall review and recommend to Council not less than 90 days prior to the next election in November any alterations, revisions and amendments to this Charter as in its judgment seems advisable. The Council shall submit to the electors any such proposed alterations, revisions or amendments to the Charter at the next regular November election. Each said Charter Review Commission shall cease to function on the day of the next November election, and the members shall serve without compensation unless otherwise provided by ordinance. At the next meeting of Council I would like everyone's selection for the Charter Review Commission. We have a Resolution from NOACA, just to inform everyone that ODOT District 12 has a project in the City of Brooklyn on I-71 going to I-90, and it's a project of resurfacing I-71 from Brooklyn east corporation line to the inner belt bridge on I-90. And that will be this summer. And a second project is ODOT District 12, a project involving preventive maintenance on I-480 which will run from Cleveland at W. 139<sup>th</sup> Street to Idlewood Drive in Brooklyn. From Dominion East Ohio Gas. This is from Mr. Robert Varley. 'In an ongoing effort to keep you informed on natural gas price fluctuations, I want to pass along some information regarding our latest gas cost recovery decrease to explain how Dominion proposes to address gas cost volatility in the foreseeable future. If you recall, the GCR component accounts for 2/3 of a customer's bill which represents the costs associated with Dominion securing natural gas for our customers, by state law Dominion East Ohio cannot earn a profit on the GCR. When natural gas prices rise the company passes along the higher cost directly to customers. And, as is the case this month, when the gas cost falls the company passes along those savings to the customers. Effective January 5<sup>th</sup> thru February 3<sup>rd</sup> Dominion East Ohio customers will pay a GCR rate of \$9.08 per thousand cubic fee, that's an mcf, which is down 24 cents per mcf from the current GCR of \$9.32. The lower rate reflects recent reductions in the wholesale price of natural gas. Under this GCR filing, the average residential customer's bill for January 2005 will be approximately \$242.31 per month, this is about 11% more than the average bill for the same period a year ago, because natural gas prices are still much higher than last year, despite the recent decrease. Weather and home conservation measures will also determine how much natural gas customers will use. Concurrent with the GCR filing, Dominion East Ohio Gas also requested the Public Utilities Commission of Ohio to allow the company to file separate monthly GCR adjustments for February, March and April of 2005 to better reflect market prices more closely. Typically the adjustments are done on a quarterly basis. In its ruling on our current rate, the PUCO concluded that more frequent updates are needed to better react to the market during periods of extreme price volatility. About half of our \$1.2 million customers buy gas directly from the company, the rest buy natural gas from suppliers through our energy choice program, with Dominion delivering the natural gas. Energy choice customers will continue to do business with their individual suppliers under the terms of their contracts. To help customers, Dominion offers numerous energy assistance programs and payment plans, as well as conservation tips and information on energy choice. The information is readily available on the company's website at [www.dom.com](http://www.dom.com). While we can't control the weather, we're ready to help you in any way we can. Don't hesitate to call me or your designated Dominion East Ohio local affairs manager if you need any more information on this or any other company issue.' Robert Varley can be reached at 216-736-6207. Quick Senior Center report. The Senior Center will be closed on Martin Luther King holiday, which is January 17<sup>th</sup>, and also that week the rubbish will be done day later. Lutheran Hospital cholesterol screenings on January 13<sup>th</sup> from 8:30 until 10:30, the cost is \$5, please call the Senior Center for an appointment. The Cleveland Sight Center will also be at the Senior Center January 20<sup>th</sup> from 9-noon, call for an appointment. Free hearing test will be scheduled Tuesday, January 25<sup>th</sup> from 9-11:30, call for your appointment. The paramedics will be over at our Senior Center for free blood pressure readings from 10 a.m. until 11:30 on Thursday, January 13<sup>th</sup> and again on the 27<sup>th</sup>. If you need Medicare assistance, Friday, January 14<sup>th</sup> from 11-12:30, make an appointment at the Senior Center. And that's it. My New Year's resolution was I will continue to work with Council for the betterment of our city's residents by preparing and planning together for our future. We need to work together. We have a lot of good things in the city, we have to preserve them and we have to keep going. It's always good to update ordinances. I'm speaking of the proposed animal ordinance. Some very good points, I also have some questions pertaining

to this. I believe as is this ordinance is not in the best interest of our residents. It takes away services currently provided to our residents by the city. Many financial details remain undecided, and the contents of this ordinance causes the city to expend taxpayers' money that is not currently in the 2005 budget. But we can work together to make it right. I hope Council will take this committee, to committee, and we can work out the details. A couple such examples. One of the items is the trapping of animals or birds is prohibited by all persons except wildlife removal and control services that residents privately will contract. An animal care and control officer and/or the city will not offer wildlife removal. If you have a skunk in your yard you have to call a private contractor to get rid of it, you cannot do it yourself, the city will not come to pick it up. Also, in item two, to provide a method of identifying cats a license shall be obtained through the city for a nominal fee. We don't know how much that fee will be to license your cat. Also, the Safety Director will make certain that there is an animal care control officer available 24 hours a day for enforcement. I am taking this as it's one person just being on call rather than someone on duty around the clock. I do, I received a call back from Mayor DePiero from Parma, he has yet to sit down with his animal control and also his safety director. And I see we did receive an updated version this evening, I did not read it as of yet. But I'm looking forward to working with Council, because this is the way our city works. A difference of opinion is good, you have to move on, and things that happened a long time ago happened a long time ago. Let's look to the future and get this city rolling forward again. That's my report. Mr. Shaper will be giving an update of the legal aspect of that ordinance."

President Albier: "Thank you Mr..."

Director Shaper: "Mayor..."

President Albier: "...Mayor Patton."

Director Shaper: "Mayor, before the meeting I was approached by Councilperson Coyne who said there are..."

Councilwoman Gallagher: "Gallagher."

Director Shaper: "I'm sorry. Thank you. Councilperson Gallagher, who informed me that the motion is going to be tabled tonight, I believe, and that she wants to work on this."

Mayor Patton: "Good."

Councilwoman Gallagher: "No, I have all the amendments, but we're going to go over it, Council. I have everything, I wanted to go over it with you, Mr. Shaper."

Director Shaper: "Then this will not be voted upon tonight, correct?"

Councilwoman Gallagher: "No, right."

Director Shaper: "So keeping up with your thoughts, with the resolution and everything, we will work on this and we will come to an agreement that all of us can be proud of."

Mayor Patton: "Okay, great."

President Albier: "Thank you Mr. Shaper. Now I'll have the directors' reports. Mr. Kappler."

**Service Dir. Kappler:** "Thank you Mr. Albier. First I'd like to thank Tony Surgala and Nelson Lytle for their 30 plus years of service working for the City of Brooklyn. I've had the privilege of working with these two gentlemen the last five years. They are just fine, upstanding individuals, and they will be sorely missed. I wish them both a long and enjoyable retirement. My new general foreman as of January 1<sup>st</sup> will be Doug Rehker. He has 24 years of experience, and I'm sure all of Council and many of our residents know him personally. I believe he will do a fine job for us. One thing I do have to report on is, our Memphis Avenue bridge, the railroad bridge right near Memphis Avenue drive-in, on December 30<sup>th</sup> one of my crews discovered a hole in the bridge. We immediately closed off one lane. The bridge is owned by the county and maintained by the county. Within a matter of a day they were out to inspect the bridge, and they found the

bridge to be safe. There was a three foot by three foot hole in the deck, it is plated, one lane is shut off. The county has told me that, weather permitting, the repairs to the bridge will be made this week. And I believe that's all I have to report on tonight."

President Balbier: "Thank you Mr. Kappler. Mr. Ockington."

**Bldg. Comm. Ockington:** "Thank you. Homeowners who are considering major home improvements this spring are encouraged to contact the Building Department as soon as possible to start the plan review process to avoid delays during the construction season. The Building Department will review your preliminary plans and guide you through the process. If you've not hired a contractor, the Building Department can also provide names of currently registered contractors for your convenience. And for major home improvement projects it is advisable to contact an attorney to review your construction contracts prior to signing to avoid unnecessary delays and expenses. That concludes my report."

President Balbier: "Thank you Mr. Ockington. Police Chief Murphy."

**Police Chief Murphy:** "I would like to also thank Tony and Nellie for their years of service. I have worked over 30 years with both of them, and they were fine men, and I hope they enjoy their retirement. That completes my report."

President Balbier: "Thank you. Fire Chief Duchoslav."

**Fire Chief Duchoslav:** "Thank you. Best of luck to both Tony and Nelson also, I've known them for awhile, and they are outstanding gentlemen. And other than that I have quite a few projects in the worth, but nothing concrete to report on to say this is what's been done. And that's it."

President Balbier: "Thank you. Mr. Shaper."

**Law Director Shaper:** "Council President Balbier. I'm a bit miffed, I can't give my theories about No. Korea tonight. But I want to wish everybody a happy new year. And John Frey, thank you for providing leadership and perspective. Your actions spoke loud and your words served to heal a number of wounds before they ever opened. You've handled your duties as President of Council with the utmost of class, sincerity and selflessness. I for one enjoyed your humorous antidotes. You remind everyone that not every issue we encounter is life or death. Please continue to serve the city, your voice and guidance cannot be replaced. On a personal note, thank you for treating me as a friend from day one. And out of respect for you, and an implanted fear of your timer, I've kept my remarks very short. Rich, I look forward to continuing to work with you. There is a lot of work for all of us to do. Thank you for accepting the nomination and agreeing to serve as President. The city remains in good hands. To everyone on Council, congratulations on your respective appointments. Let's all work together and make this a productive year. I look forward to it."

President Balbier: "Thank you Mr. Shaper. Is there somebody here from the Rec Department? Mr. Coyne."

**Mgr. Jim Coyne:** "Good evening ladies and gentlemen, just a few public service announcements from the Department of Recreation. Soccer registration will be held the next three Saturdays in January from 12 noon to 2 p.m. in the natatorium lobby. If you're interested in learn to skate, registration will be held Monday, January 17<sup>th</sup>, that's the Martin Luther King holiday. That'll be held in the rink lobby from 11 a.m. to 2 p.m. And on that same day we're going to be hosting a United States Figure Skating clinic, along with a free skate from 11 a.m. to 12:15 p.m. Hockey fans take note that the Baron Cup II action will begin on Monday, January 31<sup>st</sup> with two games at 5:30 and 8 p.m. The same week Baron Cup I action will commence on Wednesday, February 2<sup>nd</sup> with 2 games at 5:30 and 8 p.m. The championships for both of these tournaments will be on Sunday, February 6<sup>th</sup> with a double header at 1 and 3:30 p.m. Friday night basketball program will commence this Friday evening and continue through March 18<sup>th</sup>. The program is for boys and girls grades three through eighth, and they can register for that program at the John M. Coyne Recreation Center. While I'm up here I'd like to publicly thank the two assistant managers at the Recreation Center. At the end of this month Terry Thompson will be retiring, and the end of February Bob Kelber will be retiring. And our department's come a long way in the last 30 years with their help and input, along with our secretary Joni Kemper. We've accomplished a lot as a team, and the highest honor being named number one in America in

the 1990s. So I'd like to thank both of them, we're all going to miss them, and wish the best for them and their families in their retirement. Thank you."

President Balbier: "Thank you Mr. Coyne. Now we have monthly reports."

Mayor Patton: "Gale Fisk."

President Balbier: "Oh, I'm sorry, Gale Fisk."

**Finance Dir. Fisk:** "We met with Cuyahoga County state legislators this morning at Cleveland State, along with Peter Lawson Jones and members of the county staff, mayors, finance directors, township clerks, library directors and the director of Cleveland Metro parks, to discuss the local government funds and their importance to all of those agencies. We urged those state legislators to at least maintain local government funds at their present levels. Over the last two biennium budgets, local government funds have been cut in both those budgets. Local government funds are over \$750,000 to the City of Brooklyn, and at least maintaining them at the present levels is very important to us, and extremely important to all of the local governments in Cuyahoga County, and all of the local governments in the State of Ohio. I'd like to thank my finance staff for a fine job throughout 2004. We are completing end of year processing right now, and will certify end of year balances by Friday, and we'll open the 2005 budget on Monday. So thank you to JoAnn Haig, Tina Westfall, Carol Bauchens, Linda Kelber and Jill Cifranic for the fine job throughout 2004. That's the end of my report."

President Balbier: "Thank you Mr. Fisk. Monthly reports. The following is a report of activities at receipts at the Brooklyn Senior Center for the month of December in the amount of \$4,221.25. This is from Mr. Ockington from the Building Department. The Building Department took in \$1,119.45 for permits and \$6,225 in contractor registrations for the month of December. This is for the Fire Department. They had 75 fire runs; zero loss for fire loss, that sounds great; rescue squad runs 122; and the billing for those 122 runs were \$6,034.90; fees collected to date for the ambulance were \$141,793.16. And the following is a report of receipts and activities for the Multi-Purpose Indoor Recreation Center and Natatorium for the month of December, and that all comes to a total of \$62,853.53. And that was turned in by Al Sforzo of the Recreation Commissioner. And the Brooklyn Mayor's Court for the month of December took in \$56,911; and they paid out \$9,708; for the grand total of the check issued to the city was for \$47,203. Okay, we've been talking about... We have one thing on the agenda tonight, actually two. The one was the ordinance for the animals, and the other one is going to be about the Brooklyn library. So any resident that wants to talk about legislation can come forward."

Tom Adamski: "Tom Adamski, 9625 Melody Lane. I want to direct my query to Councilwoman Gallagher, since she proposed this ordinance. First of all, I want to urge Council to move on this issue slowly and not necessarily approve it at the next council meeting. Evidently there are questions that still need to be answered. Here's a question that I would like to have clarified for my benefit and the benefit of the community, and correct me if I am wrong in my assumption. If a vehicle was to hit an animal and was observed by a resident, being I mean the accident, my question is, is that considered a civil offense or is a moving offense, since a moving vehicle is involved? If it's a moving offense does that take two points off the vehicle if convicted? If it's a civil offense, then what is the procedure for that individual to say no I didn't do it, and what would be the fine? Could someone answer those questions?"

Councilwoman Gallagher: "I think what we're just talking about, if a motor vehicle hits a deer, I mean, you're just calling the city or whatever right now. And Tom, I have like, I didn't go through it, I have like one, two, three, four, probably about 10 amendments to all this. So before I state anything I'd like the Council and the Law Director are going to go over everything, and then I'll get back to you. Okay? And also the Mayor brought up, there was under Section 505.11, you talked about a fee, and it's actually supposed to be free. There's a lot of typographical errors. There's all kind of stuff that we have to go over. And Rich Balbier brought a couple of things, pointers to me. So we're going to look it over again, go over it with Council and the Law Director, and make these amendments, and then Council could, or the residents could come up and we could talk about it. Okay?"

President Balbier: "Okay."



Lou Changeri: "My name's Lou Changeri, I live at 8972 Trail Run Drive. And I don't know if any of the residents had a chance to read this ordinance that they originally proposed. It's 29 pages folks. Now what my question is, although I agree with most of the ordinance, I have some exceptions with 505.11(1), (3) and (5). And it's regards to cats. I'm an animal lover. I've had dogs, cats, birds and lizards... Any of you've had kids you've had them all. I've had them all. Right now I happen to have cats. And I have a real problem with the fact that they'll be licensed for a nominal fee."

Councilwoman Gallagher: "No, it's free. That's one, I was just explaining to Tom..."

Mr. Changeri: "Okay, well I was reading what's in it now."

Councilwoman Gallagher: "Right, there's typographical errors. It's supposed to be free, not a fee."

Mr. Changeri: "Okay. No owner of a cat, except a cat constantly confined to a registered kennel, shall fail to require that cat to wear at all times a valid tag issued by the city. Now I have cats, my cats only go out of the house to go to the vet. Now am I going to be required to have my cats wear a tag in my house?"

Councilwoman Gallagher: "Well if your cat gets loose, Mr. Changeri, it's like..."

Mr. Changeri: "No, I asked you a question. I didn't say did he get loose. My cats only get out of the house to go to the vet. Now what I want to know is, do I have to have a tag around that cat's head? And that just to prove that I signed up at the city to get a tag. Now if I had the tags in my house, okay, then I consider that to be rightfully registered. Why should I have to put a thing around a cat? I've had cats for a couple of years, they have nothing around their neck, now I'm going to require to put something around my cat's neck, who, God forbid, might get hung and die because he has a tag around his neck. Okay? And it says whoever violates this subsection will be guilty of a minor misdemeanor. So then I'm going to have to pay a fine, am I right?"

Councilwoman Gallagher: "Right."

Mr. Changeri: "Because you, your animal person drove down the street, saw my cat sitting in the window looking out and he didn't have his tag on... Okay, now that's the way I interpret this. And unfortunately I don't know if that's right or wrong. But I know you're going to table this, but these are some of the questions that I had by reading this ordinance."

Councilwoman Gallagher: "Well right now dogs are required to wear tags. I mean, even if you have a dog that's in the house, I mean, they're required to have tags. And what's wrong with having tags on an animal in case they get lost?"

Mr. Changeri: "I have nothing wrong with that, I just said that most people who have cats, most people who have cats, make sure that they don't get out."

Councilwoman Gallagher: "But, and residents do try to do that..."

Mr. Changeri: "So what you're saying is..."

Councilwoman Gallagher: "...and I've, in the last couple weeks I probably have had five cats in the back of my yard, and I know they belong in resident's houses, with no tags on it. Now if they get lost, you know, and people are looking for them, that could help, you know, the owner find it. I mean, they can call the city. I think it's a good suggestion. But, you know, we can take a look at it."

Mr. Changeri: "I'm also opposed to section 505.19 which says I object to anybody asking me does your cats have shots. My cats, I can prove it, I have all the records, but does that mean because your animal warden, or you're driving down the street and you see my cat in my window that gives you the permission to go up and say, Mr. Changeri, are your cats, do they have shots, do your dogs have shots, do your birds have shots? Okay? Also, I have a little problem with the fact that the proposed animal person will have the sole discretion to decide whether they want to pick up my cats or not pick up my cats, or my dogs, or my animals. Now I think when you give somebody sole discretion, that gives them almost carte blanche to do whatever



they feel fit. And I am for some carte blanche, but I am not for some gentleman that we're paying money to come down the street and say to me, we're going to take your cat because I saw him in the window without a tag."

Councilwoman Brown: "That's why we have a Safety Director too."

Mr. Changeri: "But it says in here sole discretion."

President Albier: "We're going to table this."

Councilwoman Brown: "We're working on it."

Councilwoman Gallagher: "We're amending these."

Mr. Changeri: "Okay, now I just read this last week, and I went through it, and it's 29 pages, and that's some of the things that affected me. I didn't like..."

Councilwoman Gallagher: "I have about 16 amendments to those, so..."

Mr. Changeri: "Very good. Okay, I'm just, like I said, I just came up here, these are my what I saw."

Councilwoman Gallagher: "And I understand. And that's why I let Council look over it, and I've talked to Rich and a couple other people, and that's why we're here, to make the ordinance better."

President Albier: "Thank you. Anybody else want to speak on the legislation? Okay..."

Councilwoman Pucci: "Mr. Albier, could I just be recognized for a moment? I too would want to congratulate Tony and Nellie and thank them for their service to our community. I wish them all the best of luck in their retirement and a long and healthy retirement. And also to congratulate Doug Rehker, the new general foreman, I know he'll do a great job. Thanks Rich."

Councilwoman Brown: "Oh, I didn't know that."

President Albier: "Alright, the first thing, Mrs. Gallagher, since we have all these suggestions, are you going to withdraw your ordinance for tonight or table it or...?"

Councilwoman Gallagher: "Yeah, I'll table it tonight, and to go over it with the Law Director."

President Albier: "Okay, very good."

Councilwoman Pucci: "Second."

Clerk Fisk: "To table Ordinance 2004-70, Greg Frey."  
"Tom Coyne."  
"John Frey."  
"Rich Albier."  
"Kathy Pucci."  
"Rita Brown."  
"Colleen Gallagher."

Councilman G. Frey: "Yea."  
Councilman Coyne: "Yea."  
Councilman J. Frey: "Yea."  
Councilman Albier: "Yea."  
Councilwoman Pucci: "Yea."  
Councilwoman Brown: "Yea."  
Councilwoman Gallagher: "Yea."

President Albier: "Okay, the only other thing we have left is the Ridge Road. And this is a request for Council Confirmation. It's not, you're not voting to sell the property. We're voting on a similar conditions use. The doctor would need a similar conditions use to proceed. And that's what we're voting on, whether we would grant this use or not. Does anyone want to comment before we vote on this similar conditions use? (some comment from an audience member) The doctor wants... It's not zoned for a medical clinic, so it has to have a similar conditions use approval by Council. This was sent to us by the Planning Commission. So we're not voting... Everybody thinks if you vote here it means you're going to sell it. You're not going to sell

it, we're voting for this conditional use. However, the doctor probably won't want the property if you can't get this use. So basically it's the same thing. Would you call the vote Mr. Fisk?"

Clerk Fisk: "To confirm conditional use for 4488 Ridge Road. That conditional use being a medical clinic and related services. Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

"Colleen Gallagher."

Councilman G. Frey: "Yea."

Councilman Coyne: "No."

Councilman J. Frey: "Yea."

Councilman Albier: "No."

Councilwoman Pucci: "No."

Councilwoman Brown: "No."

Councilwoman Gallagher: "No."

President Albier: "Thank you."

Councilman J. Frey: "It failed."

President Albier: "Does anybody have anything else they would like to address the Council with?"

Councilwoman Brown: "Yes..."

President Albier: "Mrs. Brown."

Councilwoman Brown: "Mr. Albier, I too would like to congratulate our long term employees, and who is the new foreman?"

Councilwoman Pucci: "Doug Rehker."

Councilwoman Brown: "Doug Rehker? Congratulations. That's all I have."

Councilman G. Frey: "I think we all would like to extend our congratulations to those..."

President Albier: "Yes."

Councilman G. Frey: "...that have retired."

Councilwoman Pucci: "Are they going to be receiving proclamations?"

Mayor Patton: "Yes."

Councilwoman Gallagher: "Mr. Albier, I wanted to congratulate them too also. And I have one question for Mr. Kappler, I forgot to ask him. On Biddulph Road, I grew up there, as you know, and, you know, down by the end of my street there's probably about four residents that I could think of that's had water in their basement, and you know that. And I think what happened is, when they were putting in the new street the sewers got clogged. The neighbor down to the right of me just got water probably in the last month or two. I don't... Since I've lived there, and my father built some of the houses down that way, we've never had flooding, ever you know, since Biddulph Road's been put in, and that's when all the flooding started. Can you have maybe somebody go down, maybe when the weather gets better, and see if there's a problem somewhere that there's flooding all on that end?"

Director Kappler: "I can have the county televise the sewer..."

Councilwoman Gallagher: "Okay."

Director Kappler: "...and that way we'll know the condition of the sewer and what's in there."

Councilwoman Gallagher: "Because, you know there's a red flag when my neighbor to the right of me, you know, just got water, and he came over and he said did you get water in your basement. And I said I've never

had water in my basements. And all these years, I mean, it's never been a problem until the street has been put in. So if you could maybe look into that I would appreciate it."

Director Kappler: "It's not a problem, I'll have them schedule it."

Councilwoman Gallagher: "Thank you Mr. Albier."

President Albier: "Thank you. And before we leave I'd like to give this gavel to Mr. Frey. And I think he deserves a big ovation for his Council leadership."

Councilman J. Frey: "Thank you Rich. Thank you."

President Albier: "Motion to adjourn."

Councilman J. Frey: "Thank you very much."

Councilman Coyne: "Second."

Clerk Fisk: "To adjourn, Greg Frey."  
"Tom Coyne."  
"John Frey."  
"Rich Albier."  
"Kathy Pucci."  
"Rita Brown."  
"Colleen Gallagher."

Councilman G. Frey: "Yea."  
Councilman Coyne: "Yea."  
Councilman J. Frey: "Yea."  
Councilman Albier: "Yea."  
Councilwoman Pucci: "Yea."  
Councilwoman Brown: "Yea."  
Councilwoman Gallagher: "Yea."

Meeting adjourned.

---

Clerk of Council

---

M A Y O R